

THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

ALLERGY RESEARCH GROUP, a  
Delaware limited liability company,

Plaintiff,

v.

REZ CANDLES, a Delaware corporation;  
REZA DAVACHI, an individual; and JOHN  
DOES 1-10,

Defendants.

**AMENDED SCHEDULING  
ORDER**

Case No. 2:21-cv-00073-TC-JCB

District Judge Tena Campbell

Magistrate Judge Jared C. Bennett

The court received the Parties' Joint Motion for Extension of Time to Complete Discovery (ECF No. 79). Upon a showing of good cause, the court hereby revises the November 1, 2021 Scheduling Order (ECF No. 44) as follows:

**\*\*ALL TIMES 4:30 PM UNLESS INDICATED\*\***

<b>1.</b>	<b>PRELIMINARY MATTERS</b>	<b>DATE</b>
	Nature of claims and any affirmative defenses:	
a.	Date the Rule 26(f)(1) conference was held:	10/29/2021
b.	Date parties submitted the Attorney Planning Meeting Report:	10/21/2021
c.	Deadline for Rule 26(a)(1) initial disclosures:	11/12/2021

<b>2.</b>	<b>DISCOVERY LIMITATIONS</b>	<b>NUMBER</b>
a.	Maximum number of depositions by Plaintiff(s):	10
b.	Maximum number of depositions by Defendant(s):	10
c.	Maximum number of hours for each deposition (unless extended by agreement of parties):	7
d.	Maximum interrogatories by any party to any party:	25
e.	Maximum requests for admissions by any party to any party:	20
f.	Maximum requests for production by any party to any party:	40
g.	The parties shall handle discovery of electronically stored information as follows: <i>Deadline for agreement on Joint ESI Protocol is 11/17/2021.</i>	
h.	The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <b><i>Deadline for agreement on proposed protective order to obtain the benefit of Fed. R. Evid. 502(D) clawback provision and an attorney's eyes only provision is 11/17/2021.</i></b>	
i.	Last day to serve written discovery:	10/27/2022
j.	Close of fact discovery	11/30/2022
<b>3.</b>	<b>AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>1</sup></b>	<b>DATE</b>
a.	Last day to file Motion to Amend Pleadings:	08/01/2022
b.	Last day to file Motion to Add Parties:	08/01/2022

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<sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

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|---|---|-----------------|
| <b>4.</b>   | <b>RULE 26(a)(2) EXPERT DISCLOSURES &amp; REPORTS</b>                                     | <b>DATE</b>     |
| <b>a. Disclosures (subject and identity of experts)</b> |   |                 |
| 1   | <u>Parties bearing burden of proof:</u>   | 01/16/2023      |
| 2.  | <u>Counter disclosures:</u>   | 02/15/2023      |
| <b>b. Reports</b>                                       |   |                 |
| 1   | <u>Parties bearing burden of proof</u>  | 01/16/2023      |
| 2.  | <u>Counter reports for all parties</u>  | 03/29/2023      |
| 3.  | <u>Rebuttal Reports for all parties</u>   | 04/26/2023      |
| <b>5.</b>   | <b>OTHER DEADLINES</b>  | <b>DATE</b>     |
| a.  | Last day for expert discovery:  | 06/07/2023      |
| b.  | Deadline for filing dispositive or potentially dispositive motions:                       | 07/05/2023      |
| c.  | Deadline for filing partial or complete motions to exclude expert testimony:              | 07/05/2023      |
| <b>6.</b>   | <b>SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION</b>  | <b>DATE</b>     |
| a.  | Likely to request referral to a magistrate judge for settlement conference: <u>Yes/No</u> |                 |
| b.  | Likely to request referral to court-annexed arbitration: <u>Yes/No</u>                    |                 |
| c.  | Likely to request referral to court-annexed mediation: <u>Yes/No</u>                      |                 |
| d.  | The parties will complete private mediation/arbitration by:                               | <u>00/00/00</u> |
| e.  | Evaluate case for settlement/ADR on:  | <u>00/00/00</u> |
| f.  | Settlement probability: FAIR  |                 |

7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a.	Rule 26(a)(3) pretrial disclosures <sup>1</sup>		
	Plaintiff(s):		11/16/2023
	Defendant(s):		11/30/2023
b.	Objections to Rule 26(a)(3) disclosures (if different than 14 days provided in Rule)		
c.	Special Attorney Conference <sup>2</sup> on or before:		12/08/2023
d.	Settlement Conference <sup>3</sup> on or before:		12/08/2023
e.	Final Pretrial Conference:	3:00 p.m.	01/08/2024
f.	Trial		
	i. Jury Trial	8:30 a.m.	01/29/2024

#### 8. OTHER MATTERS

Parties should fully brief all motions in limine well in advance of the final pretrial conference.

DATED September 1, 2022.

BY THE COURT:



JARED C. BENNETT

United States Magistrate Judge

<sup>1</sup> The Parties must disclose and exchange any demonstrative exhibits or animations with the Rule 26(a)(3) disclosures.

<sup>2</sup> The Special Attorneys Conference does not involve the court. During this conference, unless otherwise ordered by the court, counsel will agree, to the extent possible, on voir dire questions, jury instructions, and a pretrial order. They will discuss the presentation of the case, and they should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pretrial order should include any special equipment or courtroom arrangement requirements.

<sup>3</sup> The Settlement Conference does not involve the court unless the court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.